

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Jose Rivera,

Case No.: 2:23-cv-01810-JAD-DJA

Plaintiff

v.

Remand Order

CSL Plasma, Inc., a foreign corporation;
David Mumford, an individual; Tim Avila, an
individual, Shamauria Cromartie, an
individual; Janet Monarrez, an individual;
Does II through XX, inclusive, and Roe
Business Entities I through XX, inclusive,

[ECF Nos. 8, 9, 15]

Defendants

Plaintiff Jose Rivera filed this action for damages arising out of his plasma donation against CSL Plasma, Inc. and one of its employees in Nevada state court. After the defense successfully moved to dismiss the claims against that employee, Rivera amended his complaint to add claims against a handful of additional CSL employees, and CSL removed the case to federal court under 28 U.S.C. § 1332 and 1441 based on diversity of citizenship.¹ Though Rivera and the individual defendants are Nevada citizens and thus not diverse, CSL argues that they are fraudulently joined and their citizenship must be disregarded for jurisdictional purposes because the claims against them are meritless.² Rivera moves to remand, arguing that the removal was untimely and that the individual defendants were not fraudulently joined.

For the reasons stated on the record during the December 20, 2023, hearing on the motion to remand, and primarily because the removability of this case became known to CSL Plasma,

¹ ECF No. 1.

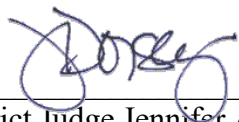
² ECF Nos. 1, 16.

1 Inc. more than 30 days before it filed the petition for removal, making this removal fatally
2 untimely,

3 IT IS ORDERED that the motion to remand [ECF Nos. 8, 15] is **GRANTED**; and

- 4 • The Clerk of Court is directed to **REMAND this case back to the Eighth Judicial**
5 **District Court, Department 8, Case No. A-23-865645-C, and CLOSE THIS CASE.**
- 6 • The pending motion to dismiss [ECF No. 9] is **DENIED** without prejudice to its refiling
7 in state court with necessary revisions to conform to state-court rules and include
8 applicable state-law standards. So **this case returns to state court with no motions**
9 **pending.**
- 10 • The Clerk of Court is directed to **PRINT a copy of the docket sheet for this case and**
11 **ATTACH it to the copy of this remand order mailed to the state court.**

12 Dated: December 20, 2023

13 
14 U.S. District Judge Jennifer A. Dorsey